

**IN THE UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO**

IN RE: **LUZ ENEIDA HERNANDEZ SOSA**

Debtor(s)

CASE NO: **15-10080-MCF****Chapter 13****TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325**

\*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO\***Total Agreed: **\$3,000.00**      Paid Pre-Petition: **\$132.00**      Outstanding (Through the Plan): **\$2,868.00**

\*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

Debtor(s) Income is (are) ☐ Under ☒ Above Median IncomeLiquidation Value: **\$1.00**Commitment Period is ☐ 36 months ☒ 60 months §1325(b)(1)(B)      General Unsecured Pool: **\$0.00**With respect to the (amended) Plan date: **May 21, 2016 (Dkt 20)**      **Plan Base: \$26,600.00**The Trustee: ☐ DOES NOT OBJECT ☒ OBJECTS Plan Confirmation      Gen. Uns. Approx. Dist.: **14 %**

The Trustee objects to confirmation for the following reasons:

**[1325(a)(5)] Plan fails to comply with required treatment of allowed Secured Claims.**

Trustee notes that the post petition arrears that are to be paid to BPPR through the plan are understated. The plan should be amended to correct the amount to paid since it could trigger objections from creditor.

**[1325(b)(1)(B)] Projected Disposable Income – Debtor(s) fails to apply projected disposable income, to be received during applicable commitment period, to make payments to unsecured creditors under the plan. [1322(a)(1)]**

- Fails to devote any future surplus funds in the mortgage account to fund the plan.

Plan payments should increase to at least \$547.00 on September 2017 (upon the maturity of the vehicle loan). Such loan has a monthly payment of \$404.00. The suggested payment amount considers 2/3rds of the available disposable income that would result on such date.

\*OTHER COMMENTS / OBJECTIONS

NONE.

**CERTIFICATE OF SERVICE:** The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Nannette Godreau, Esq.

Last Docket Verified: 21 Last Claim Verified: 9 (4AM) CMC: NM